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Attorney for Material Witnesses

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Judge Louisa S. Porter

UNITED STATES OF AMERICA;	)	CRIMINAL CASE NO. 08CR1553WQH MAGISTRATE CASE NO.:08mj01422
Plaintiff,	)	
vs.	)	DECLARATION OF LINDA A. KING IN SUPPORT OF MATERIAL WITNESSES MOTION FOR A VIDEOTAPE DEPOSITION
HUMBERTO GONZALEZ-HERNANDEZ,	)	
Defendant.	)	DATE: June 10, 2008 TIME: 2 pm HON: Louisa S. Porter

I the undersigned, declare as follows:

1. My name is Linda A. King, I am the attorney of record for Juan Gonzalez-Valdez and Angel Abraham Sanchez-Garcia, the Material Witnesses in the above-captioned matter. I am an attorney duly licensed to practice law in the State of California and am admitted to practice before the United States District Court for Southern District of California.

2. On May 7, 2008, I was appointed to represent the Material Witnesses in the above-captioned matter. As a Material Witness attorney, one of my primary responsibilities is to help arrange the release of the Material Witnesses from the custody of the U.S. Marshall and INS as soon as possible. To that end, I immediately conducted an interview with Material Witnesses to explain why they are being held and under what conditions they would be released. I informed the

Material Witnesses that the most expedient way to be released is by having a personal surety post a court approved appearance bond. I explained that personal surety would have to agree to sign a $5,000.00 appearance bond, post an immigration bond, and agree to allow the Material Witness to stay with the surety pending final disposition of the case. Unfortunately, the witnesses, do not know anyone who lives in the State of California who is willing and able to post bonds for them..

3. Witnesses Juan Gonzalez-Valdez and Angel Abraham Sanchez-Garcia has been in custody since May 5, 2008 with little or no possibility of meeting bond requirements as he/she knows no possible person who can serve as surety for them. To continue to hold them in custody creates a significant hardship which can be addressed by the scheduling of a video tape deposition

4. The Material Witnesses understands that his presence may be needed at time of trial and he is willing to return to San Diego from Mexico if and when he is needed. However, to hold him in custody for what appears to be a prolonged period is creating an inhumane hardship on them and their family.

5. I am not aware of any reason in this case why the Material Witnesses testimony can not be adequately secured by deposition. Likewise, I have not been informed of any such reasons by either the government or defense attorney.

6. The Material Witnesses are more than willing to discuss everything he knows about this case with both defense and government investigators. The fact is, however, there are only a few facts relevant to this case which the Material Witnesses are competent to testify: i.e. (a) his citizenship, (b) who might have transported him, and (c) whether the witness agreed to pay anyone. According to preliminary interviews, all of the facts relevant to this case in the Material Witnesses' knowledge took place over a very short period of time.

7. I explained the general procedures for videotape to the witnesses, and explained that if they were released after the deposition, they may have to return to testify at trial if

subpoenaed by the government or defendant. The witnesses indicated they are willing to return if arrangement for their legal re-entry could be made and travel expenses provided.

8. The material witnesses petition the court to take their deposition and release them, as they speak only Spanish. Their family is forced to suffer during their detention and they would like to return home.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in San Diego, California on May 21, 2008.

S/Linda A. King_______
Linda A. King
Attorney for Material Witness(es)